

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

Robert C. Nisenson, LLC
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In Re:
Daryl L. Smith



Order Filed on October 25, 2022
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No.: 18-10180
Hearing Date: October 25, 2022
Chapter: 13
Judge: VFP

**ORDER AUTHORIZING
SALE OF REAL PROPERTY**

Recommended Local Form: ☒ Followed ☐ Modified

The relief set forth on the following pages numbered two (2) through four (4), is hereby **ORDERED**.

DATED: October 25, 2022

A handwritten signature in black ink, appearing to read "Vincent F. Papalia".

Honorable Vincent F. Papalia
United States Bankruptcy Judge

After review of the Debtor's motion for authorization to sell the real property commonly known as 92 Roland Avenue, South Orange, New Jersey (the Real Property).

IT IS hereby **ORDERED** as follows:

1. The Debtor is authorized to sell the Real Property on the terms and conditions of the contract of sale pursuant to 11 U.S.C. §§ 363(b) and 1303.
2. The proceeds of sale must be used to satisfy the liens on the real property unless the liens are otherwise avoided by court order. Until such satisfaction the real property is not free and clear of liens.
3. ☒ In accordance with D.N.J. LBR 6004-5, the *Notice of Proposed Private Sale* included a request to pay the real estate broker and/or debtor's real estate attorney at closing. Therefore the following professional(s) may be paid at closing.

Name of professional:	Robert C. Nisenson, Esq., Generations Realty/Prominent Properties SIR
Amount to be paid:	\$3,500.00/\$30,640.00
Services rendered:	Attorney/Realtors

OR: ☐ Sufficient funds may be held in escrow by the Debtor's attorney to pay real estate broker's commissions and attorney's fees for the Debtor's attorneys on further order of this court.

4. Other closing fees payable by the Debtor may be satisfied from the proceeds of sale and adjustments to the price as provided for in the contract of sale may be made at closing.

5. The amount of \$ 0 claimed as exempt may be paid to the Debtor.
6. The ☐ *balance of proceeds* or the ☒ *balance due on the debtor's Chapter 13 Plan* must be paid to the Chapter 13 Trustee in the Debtor's case.
7. A copy of the HUD settlement statement must be forwarded to the Chapter 13 Trustee 7 days after closing.
8. ☐ The debtor must file a modified Chapter 13 Plan not later than 21 days after the date of this order.
9. Other provisions:

rev.8/1/15

9. Other provisions: "The lien of Deutsche Bank Trust Company Americas, as Trustee a/k/a PHH Mortgage Services shall remain on the premises commonly known as 92 Roland Avenue, South Orange, New Jersey and will be paid in full on the closing date in accordance with the payoff letter.
10. Other provisions: "The lien of Specialized Loan Servicing shall remain on the premises commonly known as 92 Roland Avenue, South Orange, New Jersey and will be paid in full on the closing date in accordance with the payoff letter.
11. All real estate taxes and water and sewer fees will be paid at the time of closing.
12. All outstanding fees due to Deutsche Bank Trust Company Americas, as Trustee a/k/a PHH Mortgage Services shall be paid at closing from the closing proceeds and the creditors will amend its claims after closing within 14 days.
13. All outstanding fees due to Specialized Loan Servicing shall be paid at closing from the closing proceeds and the creditors will amend its claims after closing within 14 days.
14. The provision of Rule 6004(h) shall not be applicable to the matter and the Debtor shall be permitted to sell the property immediately.
15. Failure to complete any sale within ninety (90) days of enter of this Order Authorizing Sale will result in any Order authorizing sale to be deemed moot.
16. The Debtor will pay the balance of the Chapter 13 Plan from the proceeds so Debtor will not be required to amend the plan. The Debtor will pay 100% dividend to unsecured creditors.